

LeRoy City Council

Minutes

February 5, 2024

Mayor Steve Cox called the meeting to order at 6:00 PM, followed by the Pledge of Allegiance.

Council members present Georgie Eggleston, Terry Tyler, Bryson Meats, and Ricky Yeager. One council seat remains vacant.

Mayor Cox recommended the approval of the proposed February 5 agenda. Yeager would like to add Bartlett's sewer leak to the agenda for an update. Meats moved to accept the agenda with the addition, and Yeager second. Motion passed 4/0.

Mayor Cox recommended the approval of the proposed January 8 city council meeting minutes. Yeager would like the addition to the minutes that Mayor Cox approved Cassandra Goodpasture's written proposal for the cleanup and demolition at 726 11<sup>th</sup> Street from 60 to 90 days. Yeager moved to accept the January 8 minutes with the addition. Tyler second. Motion passed 4/0.

Mayor Cox recommended paying the warrants/bills presented with the proposed agenda. Tyler moved to accept the warrants/bills, Meats second. Motion passed 4/0.

No scheduled visitors.

Public Comments:

Nikki Houston came in for an update on the water meter for 33 Scott Street

Sam Lingenfelter withdrew his name from the council seat. He felt it would be in the best interest of cohesiveness.

Crystal Decker informed the council that this year's Homecoming event will occur on August 23, 24, and 25.

Crystal Decker will be hosting this year's Easter Egg hunt. Yeager moved that the city donates \$250.00 and purchases candy for the event. Tyler second. The vote passed 4/0.

Bruce Boettcher with BG Consultants, Inc. presented a consultation/client agreement for the water study for Scott Street for \$3800.00. Mayor Cox recommended that the council review the paperwork before making decisions.

Aaron Copeland gave the superintendent report for parks/roads/water. Aaron updated the council on the Bartletts sewer leak. Aaron also discussed concerns over the sewer lagoons needing to be dredged. Aaron's continuing education classes will be held in March. Yeager motioned to allow Aaron to attend the classes at the city's expense. Eggleston second. Motion passed 4/0

Kim Alexander gave her City Clerks report.

Tyler moved to approve Kim attending her continuing education classes in Manhattan. Eggleston second. The mayor called for a vote motion passed 4/0.

Mayor Cox nominated Phillis Owens for the vacant city council seat. Yeager stated that the 60 days have elapsed, and now the city needs to hold a special election.

Yeager presented and read Resolution 2024-4 For a special election to be held at the direction of the Coffey County and Secretary of States election offices for the vacated city council position on October 2, 2023, per K.S.A. 12-104a. Yeager moved to accept Resolution 2024-4, Tyler second. The mayor asked for a vote. Motion passed 4/0.

Yeager moved to adjourn, Tyler second. Motion passed 4/0

## RESOLUTION NO. 2024-4

A RESOLUTION FOR A SPECIAL ELECTION TO BE HELD AT THE DIRECTION OF THE COFFEY COUNTY AND SECRETARY OF STATES ELECTION OFFICES FOR THE VACATED CITY COUNCIL POSITION ON OCTOBER 2<sup>nd</sup>, 2023 PER K.S.A. 12-104a

**WHEREAS**, the City of Le Roy, has determined that the timeline to fill the vacant City Council position exceeded the allotted time per State Statute K.S.A. 12-104a for the Mayor to make the appointment to the vacant City Council position at the January 8<sup>th</sup> meeting 2024.

**WHEREAS**, the previous Council Member Rob McCann resigned during the Council meeting held October 2<sup>nd</sup> 2023 therefore making that duration at the time of the Mayor's appointment to be 98 days. This resulted in exceeding the 60 days allowed per the State Statute. Governing State Statute for the vacant City Council position is K.S.A. 12-104a which states:

**12-104a. Cities, consolidated cities and counties; procedure for filling prolonged vacancies.** (a) The purpose of this section is to provide an orderly and prompt means of filling vacancies in the governing body of a municipality. Prolonged vacancies in the governing body of a municipality deprive citizens of their right to representation and act as impediments to the orderly function of government of municipalities.

(b) As used in this section, the following terms are defined as follows:

(1) "Governing body" shall include the mayor and members of the council, the mayor and commissioners or the chairperson and members of the board of supervisors, depending on the form of government of the city or the consolidated city and county.

(2) "Municipality" means any city or any consolidated city and county.

(c) Except as provided in subsection (d), the governing body of any municipality where a vacancy exists shall appoint, by a majority vote of the remaining members, a person to fill the vacancy within 60 days of the vacancy. If the appointment is not made within the 60-day time frame, the governing body shall pass a resolution calling for a special election to fill such vacancy to be held within 45 days of the passage of such resolution. Candidates for the vacant office shall file for such office as provided in K.S.A. 25-2110a, and amendments thereto. The special election shall be conducted by the county election officer. The candidate receiving the highest number of votes for the vacant position shall assume such office upon certification of the election results.

(d) The provisions of subsection (c) shall not apply to any municipality which has a procedure for filling vacancies in its governing body and which has filled such vacancies within 60 days of the vacancy.

**WHEREAS**, the Governing body for the City of Le Roy is bound by these State Statutes and will at the direction of the Coffey County and the Secretary Of States Elections Offices complete whatever process they deem is required to fill this vacant position by law up to and including a special election at the City of Le Roy's expense.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of Le Roy Kansas, in a regular meeting duly assembled this 5<sup>th</sup> day of February 2024, that the City Council waives the requirements of K.S.A. 12-16,128 as they apply to the City of Le Roy for the year ended 2024 per K.S.A. 12-104a.

Passed by the council on the 5<sup>th</sup> day of February 2024. Approved by Mayor



14

---

Steve Cox, Mayor (City Seal)

ATTEST: Kim Alexander

Kim Alexander, City Clerk

**AFFIDAVIT OF PUBLICATION**

The Coffey County Republican  
Burlington, Kansas  
STATE OF KANSAS  
COFFEY COUNTY, ss.

Catherine R. Faimon

of lawful age, being first duly sworn, deposes and says that she is the publisher of THE COFFEY COUNTY REPUBLICAN, a biweekly newspaper printed in the State of Kansas, published in the city of Burlington, County of Coffey, State of Kansas, and of general circulation in Coffey County, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper has been continuously and uninterruptedly published in said county, at least 50 times each year during the period of more than five years immediately prior to the first publication of the notice hereinafter mentioned, and has been duly admitted to the mails as Second Class matter in Coffey County, Kansas, and that notice of which a true copy is hereto attached, was published in the regular and entire issue of

The Coffey County Republican

for 1 consecutive week(s).

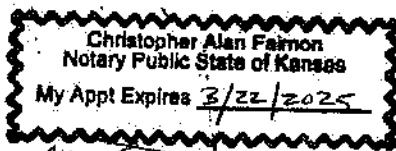
The first publication thereof being made as aforesaid on

January 18, 2024  
with subsequent publications made on the following dates:  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_

and affiant further says she has personal knowledge of the statements set forth and that they are true.

Catherine R. Faimon  
Catherine R. Faimon

Subscribed and sworn to before me this 18 day  
of January, 2024.



Notary Seal

Signature of Christopher Alan Faimon  
Christopher Alan Faimon

Notary Public  
My commission expires 03/22/2025

**AFFIDAVIT OF PUBLICATION -**  
The Coffey County Republican, Burlington, Kansas.  
Affidavit and proof of publication examined, approved  
and filed this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_.

Recorded in \_\_\_\_\_

\_\_\_\_\_  
Judge-Clerk of District Court

**(Published in The Coffey County Republican on Thursday, January 18, 2024)**

**RESOLUTION NO. 2024-1**

**A RESOLUTION WAIVING CONFORMANCE WITH THE GOVERNMENTAL ACCOUNTING STANDARDS BOARDS RULES AND REGULATIONS.**

WHEREAS, the City of LeRoy, Kansas, has determined that the financial statements and financial reports for the year ended 2023 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of LeRoy.

WHEREAS, there are no revenue bond ordinances or resolution or other ordinances or resolution of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended 2023

NOW, THEREFORE BE IT RESOLVED, by the City Council of LeRoy Kansas, in a regular meeting duly assembled this 8th day of January of 2024, that the City Council waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of LeRoy for the year ended 2023.

Passed by the council on the 8th day of January 2024. Approved by the Mayor.

/s/ Steve Cox  
Mayor

(CITY SEAL)

ATTEST:  
/s/ Kim Alexander,  
City Clerk

APPROVED AS TO FORM:  
/s/ Rustin J. Kimmell,  
City Attorney